

A U S T I N C I T Y C O U N C I L

# AGENDA



Thursday, June 22, 2006

#104PH

← Back

## Zone Hearings/App Ordinances/Restrictive Covenants RECOMMENDATION FOR COUNCIL ACTION

**Subject:** C14-06-0060 - Cathy Nguyen - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6701 Jester Boulevard North of F.M. 2222 (West Bull Creek Watershed) from development reserve (DR) district zoning and single-family residence-large lot (SF-1) district zoning to single-family residence-large lot-conditional overlay (SF-1-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant single-family residence-large lot (SF-1) district zoning. Applicant and Agent: Cathy Nguyen. City Staff: Jorge E. Rousselin, 974-2975.

<p><b>Additional Backup Material</b></p> <p>(click to open)</p> <p><input type="checkbox"/> Staff Report</p>
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**For More Information:**

**ZONING REVIEW SHEET****CASE:** C14-06-0060**Z.A.P. DATE:** May 2, 2006**ADDRESS:** 6701 Jester Boulevard North of F.M. 2222 **OWNER/AGENT:** Cathy Nguyen**REZONING FROM:** SF-1 (Single-family residence – large lot) and DR (Development reserve)**TO:** SF-1-CO (Single-family residence – large lot) conditional overlay combining district**AREA:** 3.644 Acres**SUMMARY ZONING AND PLATTING COMMISSION RECOMMENDATION:**

May 2, 2006:

**APPROVED STAFF'S RECOMMENDATION FOR SF-1 DISTRICT ZONING; BY CONSENT. (J.GOHIL, J.PINNELLI 2<sup>ND</sup>) (8-0) J.MARTINEZ – ABSENT****SUMMARY STAFF RECOMMENDATION:**

Staff recommends approval of SF-1 (Single-family residence – large lot) district zoning.

**DEPARTMENT COMMENTS:**

At the June 8, 2006 City Council meeting, the applicant agreed to a conditional overlay to limit the residential density on the property to a total of 4 residential swelling units. The subject rezoning area is a 3.644 acre site fronting Jester Boulevard zoned SF-1 and DR. The site was platted on August 2001 and is currently undeveloped land. Access is proposed off Jester Boulevard. New construction will be subject to architectural standards as specified by the Architectural Control Committee of the Jester Home Owners Association. The site is not subdivided and will be platted into 4 lots to allow for single family residences.

Staff recommends approval of SF-1 based on the following considerations:

- 1.) The proposed land use will be compatible with the existing surrounding single-family and multi-family residential uses;
- 2.) The proposed change will diversify land uses in the area by encouraging density compatible to existing densities to the north; and
- 3.) The proposed land use will not infringe on the residential character of the established neighborhood.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-1 and DR	Undeveloped land
<i>North</i>	SF-2	Undeveloped land / Residences
<i>South</i>	LR	Vacant land / Shopping center
<i>East</i>	MF-1-CO	Undeveloped land
<i>West</i>	PUD	Undeveloped land

**AREA STUDY:** N/A**TIA:** N/A (See Transportation comments)

**WATERSHED:** West Bull Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** N/A**NEIGHBORHOOD ORGANIZATIONS:**

98--Lakewood Homeowners Assn.  
 157--Courtyard Homeowner Assn.  
 184--Bull Creek Homeowners Assn.  
 416--Long Canyon Phase II Homeowners Assn. Inc.  
 426--River Place Residential Community Assn., Inc.  
 439--Concerned Citizens For P&B of FM 2222  
 448--Canyon Creek Homeowners Assn.  
 475--Bull Creek Foundation  
 608--Jester Homeowners Assn., Inc.  
 742--Austin Independent School District  
 771--Jester Homeowners Association Development  
 965--Old Spicewood Springs Rd. Neighborhood Assn.

**SCHOOLS:**

Austin Independent School District

- Hill Elementary School
- Murchison Middle School
- Anderson High School

**RELATED CASES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-95-135	DR to SF-1	10/24/95: PC APVD STAFF REC OF SF-1 (7-1).	11/30/95: APVD SF-1 (6-0); ALL 3 RDGS.

**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-97-0162	LR to GR	01/13/98: PC APVD STAFF ALT REC OF GR W/CONDS (9-0); ALLOW GR-CO W/RESTAURANT EXCEPT FOR FAST FOOD (2&3); DRY CLEAN (1) & PERMITTED USES FOR REMAINDER	02/05/98: APVD PC REC OF GR-CO W/CONDS (5-0) 1ST RDG ONLY.  02/26/98: APVD GR-CO W/CONDITIONS (7-0) 2 & 3 RDGS
C14-98-0161	DR to SF-2	08/31/99: PC APVD SF-2-CO (TR 1A) (8-0)  CO: 6,500 VEHICLE TRIP LIMIT	12/02/99: APVD SF-2-CO (6-0) SUBJ TO NEIGH PROPOSAL ON 1ST RDG, INGRESS/EGRESS TO NEED TO BE CLARIFIED AS THERE IS NO INGRESS FROM WINTERBERRY DRIVE AS MENTIONED IN A PRIOR VERSION OF PROPOSAL  01/13/00: APVD SF-2-CO AS

			<p>GRANTED ON 1ST RDG (7-0)</p> <p>03/09/00: APVD 3RD RDG OF SF-2-CO (5-0)</p> <p>CO: 6,500 VEHICLE TRIP LIMIT</p>
C14-99-0076	DR and SF-2 to MF-2, GO, and GR	08/31/99: PC APVD (5-2-1 JM/JR-NAY, SA-ABSTAIN) (TR 1B): MF-1-CO W/SF-6 SITE DEV REGS W/40' HEIGHT LIMITATION; (TR 1C & 1D): STAFF REC OF GR-MU-CO & REDUCE VEHICLE TRIPS AS SET OUT IN TIA BY 12.5%.	<p>12/02/99: TR. 1B: APVD MF-1 W/SF-6 SITE REGS &amp; HEIGHT OF 40'; APVD W/CONDS TR 1B: MF-1; TR 1C: LR-CO; TR 1D: LO-CO (6-0 WL-ABSENT) CONDITIONS: TR 1C: APVD LR-CO, SETBACK 200' OR MORE FROM CREEK; CLEAN LEAD DEPOSIT PRIOR TO S/P APPROVAL, LIMIT RETAIL TO 40,000 SQ FT; TR 1D: APVD LO-CO, SETBACK 200' OR MORE FROM CREEK, CLEAN UP LEAD DEPOSIT PRIOR TO S/P APPROVAL, LIMIT OFFICE USE TO 230,000 SQ. FT.</p> <p>01/13/00: APVD AS GRANTED ON 1ST RDG (7-0)</p> <p>03/09/00: APVD 3RD RDG (5-0); 1) 200' SETBACK DELETED; 2) TRACT 1B ZONED MF-1-CO; 3) TRACT 1D ZONED GO-CO</p>
C14-99-0133	LR to GR	09/14/99: APVD STAFF REC OF GR-CO BY CONSENT (9-0)	10/28/99: APVD GR-CO W/CONDS AS REC BY PC; ALL 3 RDGS (5-0 WL/JG-ABSENT)
C14-01-0019	DR and SF-2 to SF-2	04/10/01: PC APVD STAFF REC OF SF-2 W/CONDS (TR 1 & 3); TR 2 TO REMAIN SF-2-CO W/NEW CO & REMOVING CO RE: VEHICLE TRIPS (5-1, JM-NO)	<p>05/17/01: APVD SF-2-CO (1&amp;3) SUBJ TO CONDS; TR 2 REMAINS SF-2-CO (5-1-1, BG-NO, DT-ABSTAIN); 1ST RDG</p> <p>07/19/01: APVD SF-2-CO (1&amp;3); (6-0) W/CONDS; 2ND/3RD RDGS</p>

**ABUTTING STREETS:**

<b>NAME</b>	<b>ROW</b>	<b>PAVEMENT</b>	<b>CLASSIFICATION</b>	<b>CAPITAL METRO</b>	<b>BICYCLE PLAN</b>	<b>SIDEWALKS</b>
Jester Boulevard	110'	50'	Collector	No	Yes	Yes

**CITY COUNCIL DATE:**

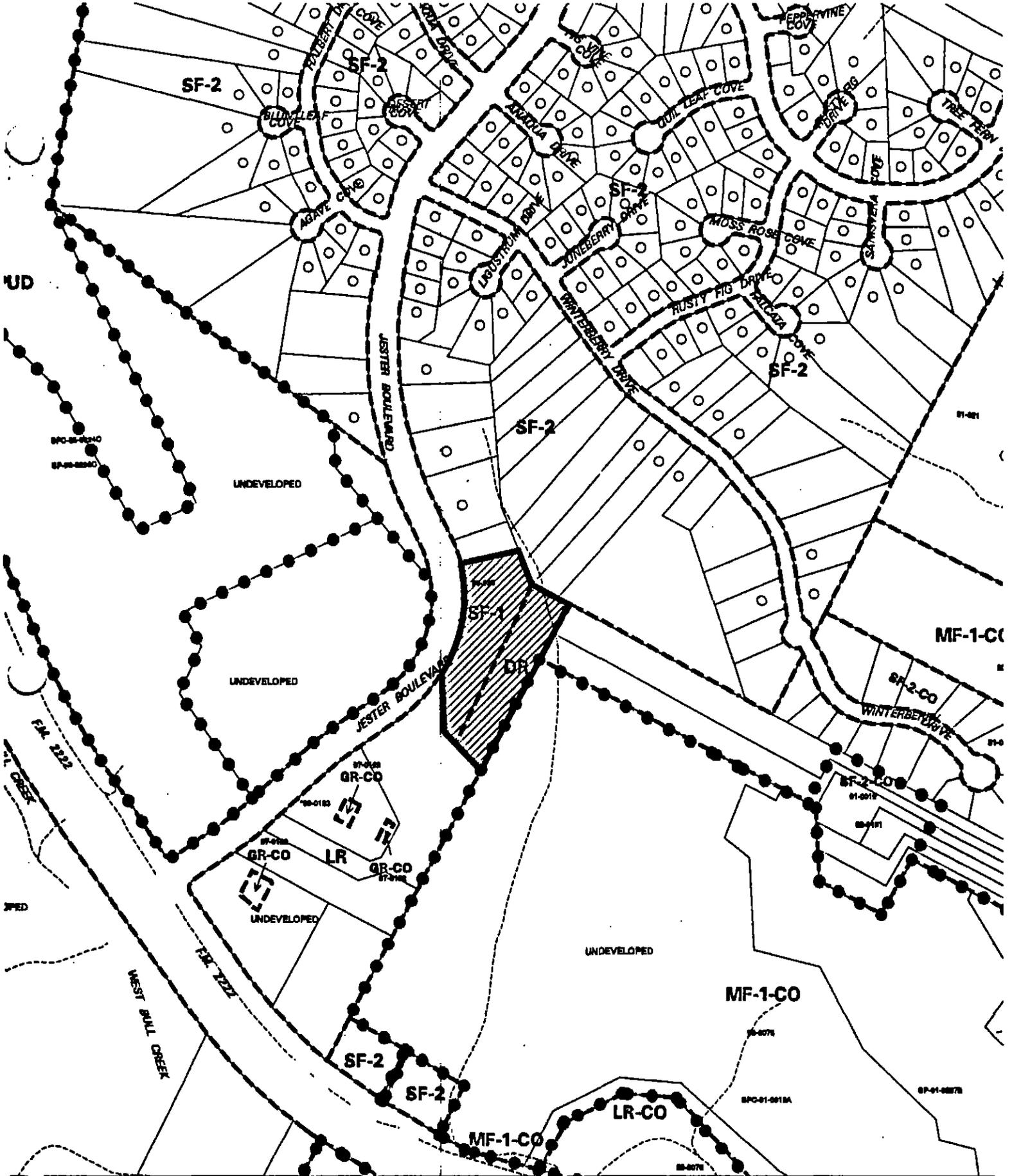
June 8, 2006

June 22, 2006

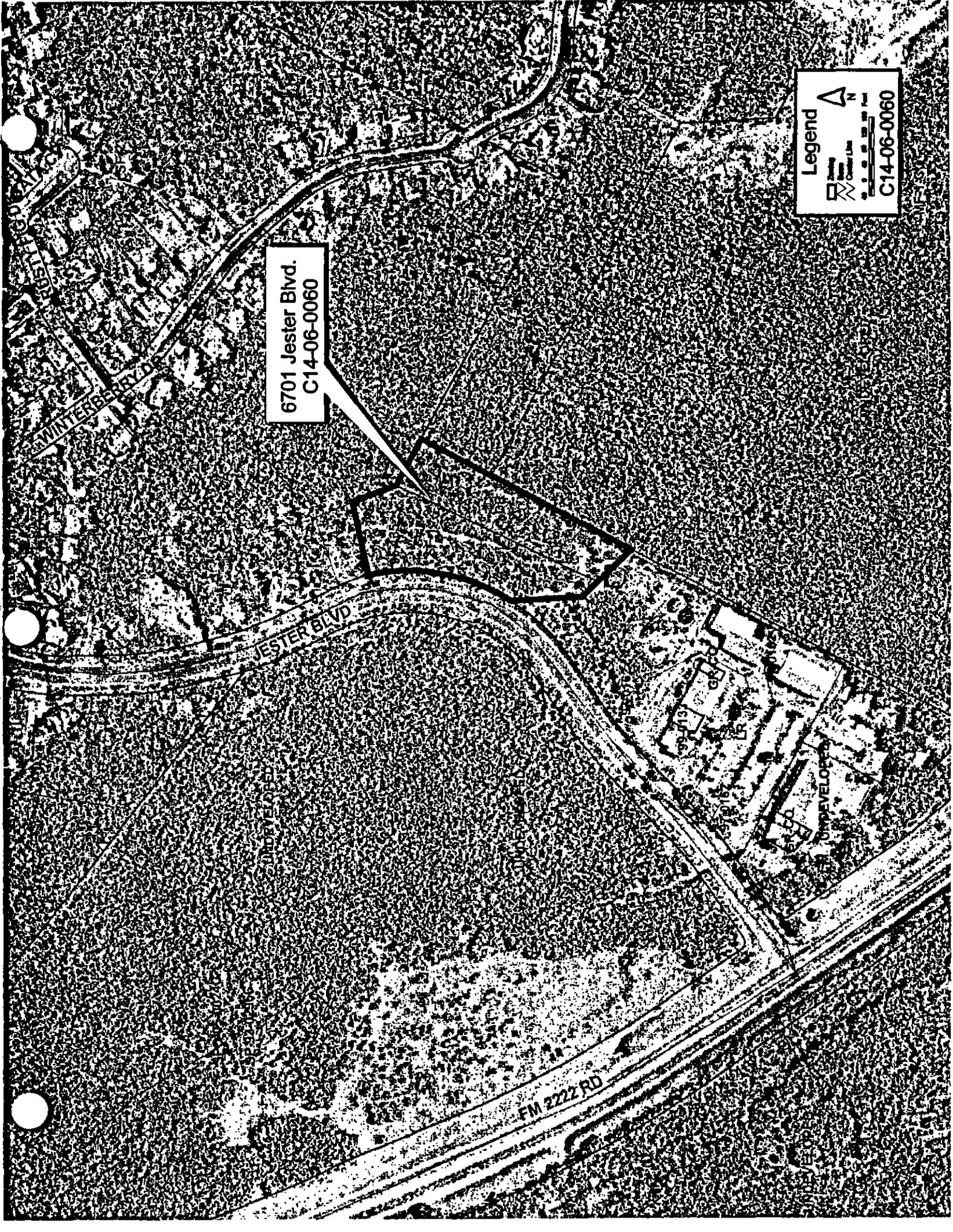
**ACTION:**

Postponed to June 22, 2006. Include a CO to limit density to 4 dwelling units on the site

**ORDINANCE READINGS:** 1<sup>st</sup>                      2<sup>nd</sup>                      3<sup>rd</sup>**ORDINANCE NUMBER:****CASE MANAGER:** Jorge E. Rousselin, NPZD**PHONE:** 974-2975**E-MAIL:** [jorge.rousselin@ci.austin.tx.us](mailto:jorge.rousselin@ci.austin.tx.us)



 1" = 400'	<b>SUBJECT TRACT</b> 	<b>ZONING</b>  <b>CASE #: C14-06-0060</b> <b>ADDRESS: JESTER BLVD</b> <b>SUBJECT AREA (acres): 3.640</b>	<b>DATE: 06-03</b>  <b>INTLS: SM</b>	<b>CITY GRID REFERENCE NUMBER</b>  <b>F31</b>
	<b>PENDING CASE</b> 			
	<b>ZONING BOUNDARY</b> 			
	<b>CASE MGR: J. ROUSSELIN</b>			



6701 Jester Blvd.  
C14-06-0060

**Legend**

-  Road
-  Center Line
-  Boundary

0 100 200 300 400 Feet

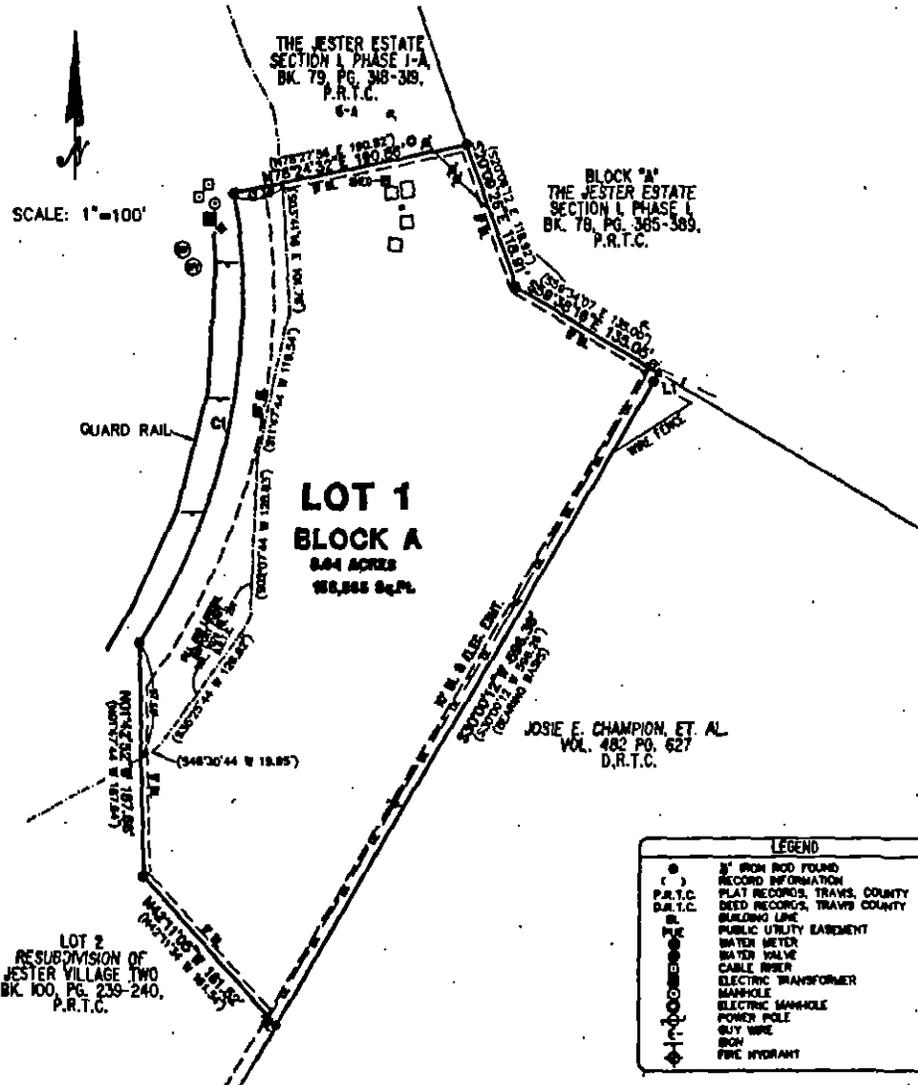
**C14-06-0060**



# TITLE SURVEY

ATS Job # 060308123

Reference: Nguyen Address: 0 Jester Boulevard, Austin, TX  
 Lot 1, Block A, BEARD FAMILY SUBDIVISION, SECTION ONE, Document No. 200100247,  
 Official Public Records of Travis County, Texas.



NUMBER	RADIUS	CHORD BEARING	CHORD LENGTH	ARC LENGTH
C1	488.40	N11°23'30"E	364.60	373.65
(C1)	(488.40)	(N11°28'48"E)	(364.60)	(373.65)
NUMBER	DIRECTION	DISTANCE		
L1	S34°20'15"W	7.60 FT		
(L1)	(S34°13'33"W)	(7.59) FT		

- Notes:
- 1) All easements of which I have knowledge of and furnished by Stewart Title Guaranty Company, in Title Commitment GF # 0600630-TOH, DO AFFECT the subject property and are shown hereon.
  - 2) All building lines are per City of Austin Zoning Ordinance.
  - 3) Items c, d, e, f, & g of Schedule B of the aforementioned Title Commitment DO AFFECT the subject tract but can not be located.

I, Paul Utterback, HEREBY CERTIFY that a survey was made on the ground of the property shown hereon; that there are no visible discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, easements or right-of-way, except as shown; that said property has access to and from a public roadway; and that this plot is an accurate representation of the property to the best of my knowledge.

*Paul Utterback*  
 Paul Utterback, RPLS No. 5738  
 Client: Stockton Builders  
 Date of Field Work: 03/13/2006  
 Field: CT  
 Tech: CB  
 Date Drawn: 03/14/2006  
 Path: Projects/StocktonBldrs/Jester/dwgs/base.dwg



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**ATS** Engineers  
 Inspectors  
 & Surveyors  
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 AUSTIN, TEXAS 78740  
 512-528-0900  
 FAX: 512-528-0900

## STAFF RECOMMENDATION

Staff recommends approval of SF-1 (Single-family residence – large lot) district zoning.

## BASIS FOR RECOMMENDATION

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

*Single-family residence large lot (SF-1) district is the designation for a low density single-family residential use on a lot that is a minimum of 10,000 square feet. An SF-1 district designation may be applied to a use on land with sloping terrain or environmental limitations that preclude standard lot size or to a use in an existing residential development on a lot that is 10,000 square feet or more.*

The proposed rezoning meets the purpose statement of the district sought. The subject property exceeds 3.64 acres and will accommodate lots exceeding 10,000 square feet.

2. *Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.*

The proposed rezoning will integrate with existing, adjacent residential and multi-family uses.

## EXISTING CONDITIONS

### Site Characteristics

The subject rezoning area is a 3.644 acre site fronting Jester Boulevard zoned SF-1 and DR. The site was platted on August 2001 and is currently undeveloped land. Access is proposed off Jester Boulevard. New construction will be subject to architectural standards as specified by the Architectural Control Committee of the Jester Home Owners Association. The site is not subdivided and will be subdivided into 4 lots to allow for single family residences.

### Transportation

1. No additional right-of-way is required.
2. The trip generation under the requested zoning is estimated to be 317 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).
3. A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

### Environmental

1. The site is located within 1500 ft of the northern Edward's Aquifer Recharge Zone. The site is in the West Bull Creek Watershed of the Colorado River Basin, which falls within the Drinking Water Protection Zone and is classified as a Water Supply Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under the current watershed regulations,

development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% NSA with Transfers</i>
One or Two Family Residential	30%	40%
Multifamily Residential	40%	55%
Commercial	40%	55%

2. According to flood plain maps, there is no flood plain in, or within close proximity of, the project location.
3. The site is located within the endangered species survey area and must comply with the requirements of Chapter 25-8 Endangered Species in conjunction with subdivision and/or site plan process.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
5. At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
6. Under current watershed regulations, development or redevelopment on this site will be subject to providing structural sedimentation and filtration basins with increased capture volume and 2 year detention.
7. At this time, no information has been provided as to whether this property has any preexisting approvals which would preempt current water quality or Code requirements.

#### Water and Wastewater

1. The landowner intends to serve the site with City of Austin water and wastewater utilities.
2. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extension, system upgrades, utility adjustments, and relocation.
3. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility.
4. The plan must be in accordance with the City design criteria.
5. The water and wastewater utility construction must be inspected by the City.
6. The landowner must pay the associated and applicable City fees.

#### Compatibility Standards

1. The site will not be subject to compatibility standards.

To: Cathy Nguyen  
From: Jennifer Wood, Jester Homeowners Association, Inc., Architectural Control Committee

March 29, 2006

Re: Lot 1, Block A, Beard Family Subdivision, Section 1 (Parcel #200100247) Rezoning

Cathy:

The Jester Homeowners Association, Inc. (Jester HOA) has determined that it will not support any change to the current zoning of the above-mentioned parcel at this time. Presently, the current zoning of SF-1 and DR is acceptable to Jester HOA. As per our telephone conversation today, the Jester HOA is very much opposed to any type of rezoning that would allow any type of multifamily residential dwellings. This includes a zoning change to SF-3, SF-4, SF-4B, SF-5, SF-6 or any MF zoning. These zoning districts are not at all compatible to the current residential zoning in Jester Estates nor are they in keeping with our restrictive covenants.

The Jester HOA would consider the issue of supporting a rezoning if the lots were rezoned to SF-1 or SF-2 provided that you submit to us drawings showing the layout of the proposed lots and the proposed zoning changes. However, as I have stated previously, it is the current position of the Jester HOA not to support a zoning change to the property.

The Jester HOA looks forward to working with you on the development of your single family residence on this property. Please call me if you have any further questions.

Regards,  
Jennifer Wood



ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE  
2 PROPERTY LOCATED AT 6701 JESTER BOULEVARD NORTH OF F.M. 2222  
3 ROAD FROM DEVELOPMENT RESERVE (DR) DISTRICT AND SINGLE  
4 FAMILY RESIDENCE LARGE LOT (SF-1) DISTRICT TO SINGLE FAMILY  
5 RESIDENCE LARGE LOT-CONDITIONAL OVERLAY (SF-1-CO) COMBINING  
6 DISTRICT.

7  
8 **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

9  
10 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to  
11 change the base district from development reserve (DR) district and single family  
12 residence large lot (SF-1) district to single family residence large lot-conditional overlay  
13 (SF-1-CO) combining district on the property described in Zoning Case No. C14-06-0060,  
14 on file at the Neighborhood Planning and Zoning Department, as follows:

15  
16 Lot 1, Block A, Beard Family Subdivision Section 1, a subdivision in the City of  
17 Austin, Travis County, Texas, according to the map or plat of record in Document  
No. 200100247, of the Official Public Records of Travis County, Texas,

18  
19  
20 locally known as 6701 Jester Boulevard, north of F.M. 2222 Road, in the City of Austin,  
21 Travis County, Texas, and generally identified in the map attached as Exhibit "A".

22  
23 **PART 2.** The Property within the boundaries of the conditional overlay combining district  
24 established by this ordinance is subject to the following conditions:

- 25  
26 1. Development of the Property may not exceed 4 dwelling units.  
27  
28 2. Development of the Property may not exceed 0.911 dwelling units per acre.

29  
30 Except as specifically restricted under this ordinance, the Property may be developed and  
31 used in accordance with the regulations established for the single family residence large lot  
32 (SF-1) base district and other applicable requirements of the City Code.  
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**PART 3.** This ordinance takes effect on \_\_\_\_\_, 2006.

**PASSED AND APPROVED**

\_\_\_\_\_, 2006

§  
§  
§

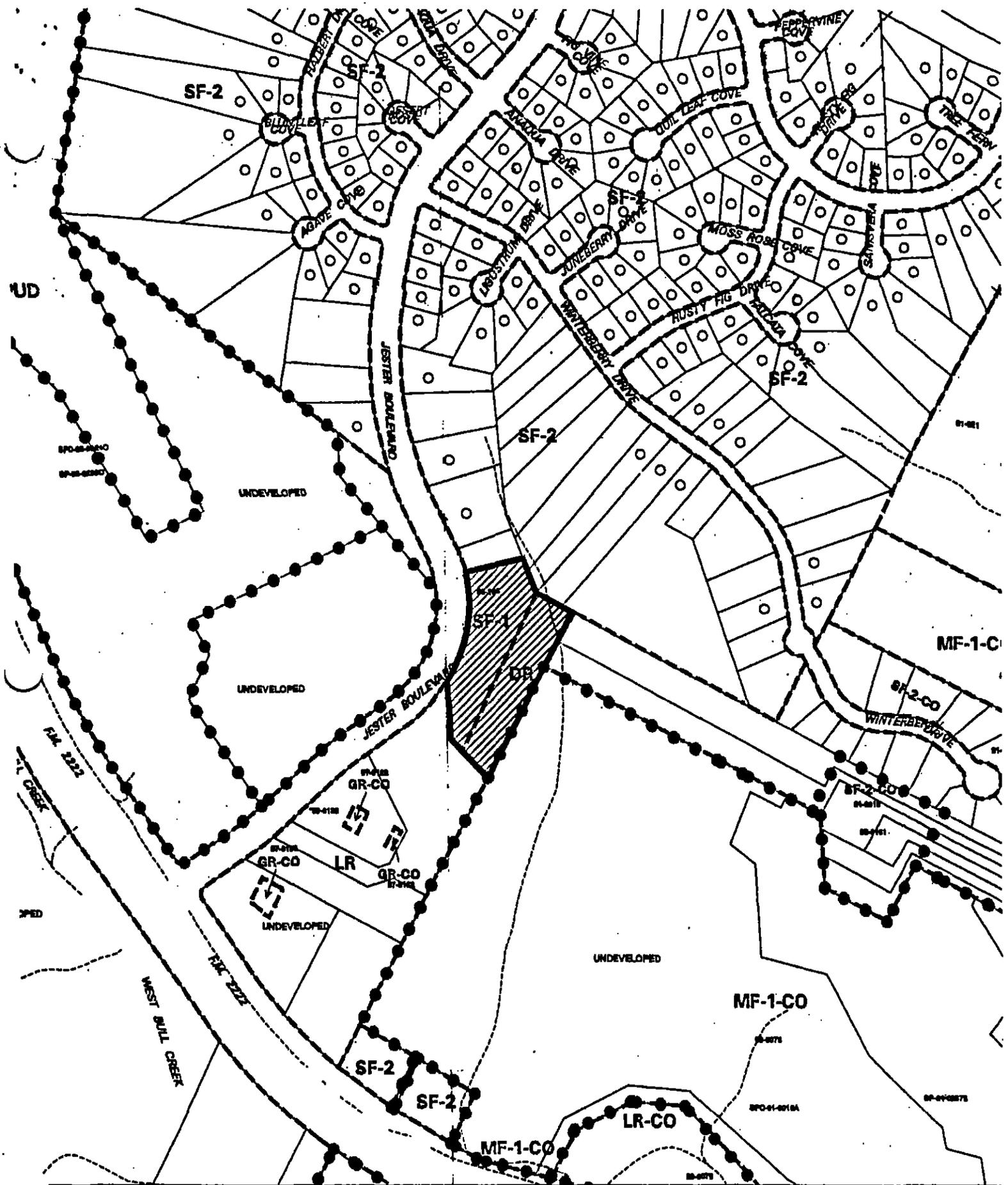
Will Wynn  
Mayor

**APPROVED:** \_\_\_\_\_

**ATTEST:** \_\_\_\_\_

David Allan Smith  
City Attorney

Shirley A. Gentry  
City Clerk



 1" = 400'	SUBJECT TRACT 	<b>ZONING EXHIBIT A</b>  <b>CASE #: C14-06-0060</b> <b>ADDRESS: JESTER BLVD</b> <b>SUBJECT AREA (acres): 3.640</b>	<b>DATE: 08-03</b>  <b>INTLS: SM</b>	<b>CITY GRID REFERENCE NUMBER</b>  <b>F31</b>
	PENDING CASE 			
	ZONING BOUNDARY 			
	CASE MGR: J. ROUSSELIN			